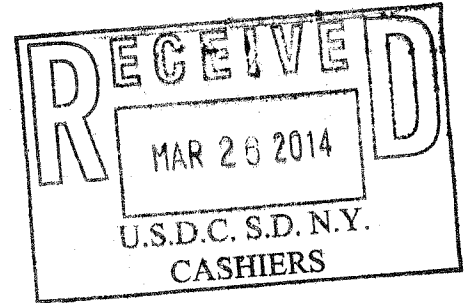


JUDGE GRIESA

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14 CV 2125



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- -X

KLAUBER BROTHERS, INC.,

Plaintiff

v.

TARGET CORPORATION and AFR APPAREL  
INTERNATIONAL, INC. d/b/a PARISA USA

Defendants.

Civil Action No. 14-CV-\_\_\_\_\_()

**COMPLAINT**

**Trial By Jury Demanded**

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Plaintiff Klauber Brothers, Inc. ("Plaintiff" or "Klauber") through its attorneys,  
complaining of Target Corporation ("Target") and AFR Apparel International, Inc. d/b/a  
Parisa USA ("Parisa"), alleges as follows.

**JURISDICTION AND VENUE**

1. This Complaint arises under the U.S. Copyright Act of 1976, 17  
U.S.C. §§ 101 et seq. Jurisdiction is vested in this Court under 28 U.S.C. §§ 1331 and  
1338 (a).

2. Venue is proper in this district under 28 U.S.C. §§ 1391 and 1400(a) in that, upon information and belief, a substantial part of the events giving rise to the claim asserted, occurred in this district, and for the further reason that all of the parties hereto are subject to the Court's personal jurisdiction in this district.

### **THE PARTIES**

3. Klauber is a corporation duly organized and existing under the laws of the State of New York, with its principal place of business at 980 Avenue of the Americas, New York, New York 10018.

4. Target is, upon information and belief, a corporation organized and existing under the laws of the State of Minnesota, having a principal place of business at 1000 Nicollet Mall, Minneapolis, Minnesota 55403 and having places of business within this judicial district.

5. Parisa is, upon information and belief, a corporation, organized and existing under the laws of the State of California, having a principal office at 19401 Business Center Drive, Northridge, California 91324 and is subject to personal jurisdiction within this jurisdiction pursuant to § 302(a) N.Y.C.P.L.R. Target and Parisa are hereinafter collectively referred to as "Defendants."

### **FACTS**

6. Klauber is, and since 1859 itself or through a predecessor-in-interest, has been engaged in the design, manufacture and sale of knit lace fabrics of original and distinctive design and has, over the past decades, earned a well deserved and enviable reputation in the trade for providing unique and original lace fabric designs

of high quality. Klauber sells its lace fabric designs within this judicial district, throughout the United States of America and throughout the world.

7. In or about 2005, an original design in lace fabric was created by Klauber through one of its regular employees as a regular part of their employment, which Klauber designates as design number 7725.

8. Said fabric design contains material which is wholly original and is copyrightable subject matter under the laws of the United States of America.

9. On or about January 7, 2005, Klauber's lace fabric design No. 7725 was published.

10. Since the publication date of the 7725 fabric design, all of the provisions of Title 17 of the United States Code, and all of the laws governing copyright have been duly complied with by Klauber which applied to register the claim to copyright therein, and a Certificate of Copyright Registration has been duly received by Klauber from the Register of Copyrights pertaining to said lace fabric design No. 7725.

11. Klauber is and has been the sole proprietor of all right, title and interest in and to the copyright in said lace fabric design No. 7725.

12. A copy of said lace fabric design No. 7725 is annexed hereto and identified as "Exhibit A."

13. A copy of the Copyright Registration Certificate obtained by Klauber for said lace fabric design No. 7725 is annexed hereto and identified as "Exhibit B."

14. Subsequent to the publication by Klauber of its pattern No. 7725, the Defendants infringed Klauber's copyright in such fabric design by importing, reproducing, displaying, knitting, manufacturing, weaving, printing, reprinting, publishing, vending, distributing, selling, promoting or advertising, a copy of said fabric design or by causing and/or participating in such importing, reproducing, displaying, knitting, manufacturing, weaving, printing, reprinting, publishing, vending, distributing, selling, promoting or advertising thereof, all in violation of the rights of Klauber under Section 106 of the Copyright Law, title 17 of the United States Code.

15. A copy of at least part of one of such infringements recently purchased in this judicial district is annexed hereto and identified as "Exhibit C."

16. A copy of a comparison of Klauber's copyrighted design of Exhibit A and of Defendants' one such infringing design of Exhibit C, is annexed hereto and designated as "Exhibit D."

17. When, in 2013, Klauber became aware that Target was selling garments with an infringement of its copyrighted 7725 lace design, it notified Target in writing of such infringement and provided detailed information of such infringement. In spite of having received such notification on June 19, 2013, Target has continued to sell such infringements.

18. All of the Defendants' infringing acts as set forth herein were performed without the permission, license or consent of Klauber and, upon information and belief, comprise willful infringement, particularly since Klauber has previously

notified Target of such infringement and has previously sold its genuine lace of design 7725 in huge quantities to Target and Parisa.

19. Klauber has been damaged by the acts of Defendants alleged in this Complaint in an amount not as yet known, but believed to be in excess of four million dollars. The activities of Defendants as alleged herein are further and continuously damaging Klauber in a manner with respect to which Klauber has no adequate remedy at law.

WHEREFORE, Klauber demands:

- A. A preliminary and permanent injunction restraining, enjoining and prohibiting Defendants and their officers, servants, agents, employees, attorneys and representatives, and each of them, and those persons in active concert or participation with them from infringing the copyright of Klauber in its 7725 lace design as evidenced by certificate of Copyright Registration Certificate Number VA 1-369-515, including, but not limited to, preventing them from importing, reproducing, displaying, knitting, manufacturing, weaving, printing, reprinting, publishing, vending, distributing, selling, promoting or advertising copies of such fabric design or by causing and/or participating in such importing, reproducing, displaying, knitting, manufacturing, weaving, printing, reprinting, publishing, vending, distributing, selling, promoting or advertising by others.

- B. That Defendants be required to recall from all recipients thereof and deliver to Klauber for destruction, all copies of Klauber's copyrighted 7725 lace fabric design used for infringement of the copyright therein, as well as all molds, stencils, plates, or other materials for making such infringing matter in the possession or under the control of Defendants or any of their agents, servants, employees, attorneys or other persons in privity with them or either of them.
- C. That Defendants be required to pay to Klauber its lost profits and such profits as Defendants have made in consequence of the infringement by Defendants of Klauber's copyrighted 7725 lace fabric design and to account for all gains, profits and advantages relative to such infringement to be allowed Klauber by the Court and that such payment to Klauber be increased in view of the willful nature of the infringement or, at Klauber's option, in the alternative, to permit Klauber to recover statutory damages.
- D. That Defendants be required to pay Klauber's attorneys' fees and costs in this action.
- E. That Klauber have such other and further relief as this Court may deem just and appropriate.

**Jury Demand**

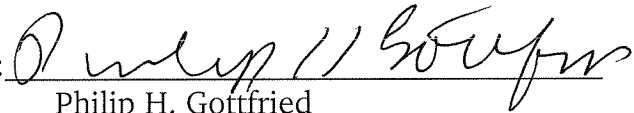
Plaintiff hereby demands a trial by jury as to all issues so triable.

Respectfully submitted,

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Attorneys for Plaintiff,  
Klauber Brothers, Inc.

Dated: March 26, 2014

By:   
Philip H. Gottfried